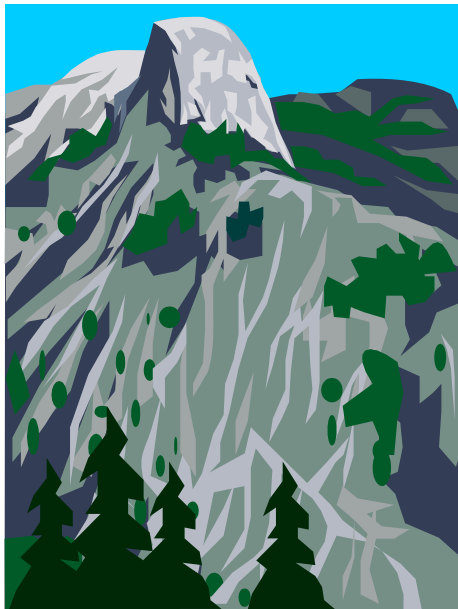


Campaign Disclosure Manual 6

*Information for Independent
Expenditure Committees*



**California Fair Political
Practices Commission**

Toll-free advice line: 1 (866) ASK-FPPC
Web site: www.fppc.ca.gov

Draft 1/2008

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Introduction

This manual provides important information on campaign disclosure rules for independent expenditure committees.

How to Use this Manual

California's Political Reform Act (the "Act") requires receipts and expenditures in election campaigns to be disclosed fully and truthfully. Since 1974, there have been over 200 amendments to the Act's campaign disclosure provisions. This manual has been prepared to assist independent expenditure committees to comply with the Act's numerous and often detailed rules. This manual is written in a "user friendly" format so that committees have a resource guide. Also provided is a list of statutes and regulations at the end of each chapter. These can be accessed on the FPPC website under the Library and Publications section.

In addition, federal and state tax laws and other rules may be applicable. Telephone numbers and website addresses for the Federal Election Commission, Internal Revenue Service, California Franchise Tax Board, and the Federal Communications Commission are listed in the Appendix.

Controlling Law

This manual summarizes key campaign disclosure laws and regulations and draws from years of FPPC staff advice on complying with the provisions of the Act's campaign disclosure laws. Each committee's activity is different, however, and may raise issues not discussed in this manual. If there are any discrepancies between the manual and the Act or its corresponding regulations, the Act and its regulations will control.

Need Help?

If you need assistance, the Fair Political Practices Commission has a toll-free advice line:

1-866-ASK FPPC
(1-866-275-3772)

FPPC employees are available Monday through Friday to help you. In addition, the FPPC website (www.fppc.ca.gov) contains forms, manuals, and a wealth of other helpful information.

Don't forget these rules...

- An independent expenditure is made on the date the communication is mailed, delivered, broadcast or otherwise disseminated to the public.
- Each independent expenditure of \$1,000 or more on behalf of a candidate or ballot measure triggers the filing of both Form 465 and Form 461.
- Filing locations for Form 465 and Form 496 are sometimes different than where the independent expenditure committee files the Form 461.
- Check the election calendar at www.fppc.ca.gov for deadlines for filing Form 496; it depends on the type of candidate or measure supported or opposed as well as the committee's status as a state electronic filer.
- Independent expenditure committees terminate automatically at the end of each calendar year. Activity from one calendar year does not trigger filing in another calendar year.
- Contributions to state or local candidates and committees may also trigger reports.
- If the committee receives contributions totaling \$1,000 or more in a calendar year, refer to the manuals for primarily formed committees or general purpose committees, rather than this manual.

Chapter 1

Committee Qualification and Identification Rules

What is an Independent Expenditure Committee?

An independent expenditure committee is an individual or entity (e.g., corporation, firm, business, or proprietorship) that makes one or more independent expenditures totaling \$1,000 or more in a calendar year to support or oppose state or local candidates or ballot measures. An independent expenditure committee does not receive contributions for the purpose of making expenditures supporting or opposing California candidates or ballot measures.

An individual or entity will qualify as an independent expenditure committee if \$1,000 or more in independent expenditures are made in a calendar year. In addition, the committee must report any contributions it makes to state or local candidates or committees.

What is an Independent Expenditure?

An “independent expenditure” is a payment for a communication that expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified ballot measure, **and** the communication is not made at the behest of the affected candidate or committee. An independent expenditure is made when a communication is mailed, broadcast, or otherwise disseminated to the public.

Examples *In May, Sandra Farmer paid \$4,000 for a mailing that included the statement “Vote No on Measure A.” Sandra, acting on her own, paid for the*

mailing with her personal funds and qualified as an independent expenditure committee.

In October, MBI Development Corporation paid for a series of automated telephone calls to voters in Southern California that urged voters to vote for a statewide candidate. The corporation, acting independently of the candidate’s committee, paid \$12,000 for the calls. The corporation qualified as an independent expenditure committee.

Quick TIP Whether a payment for a communication is deemed to be express advocacy and whether the communication is made at the behest of the affected candidate or measure committee, are factual determinations based on the text of the communication and the circumstances associated with it. Persons can call the FPPC for guidance.

What is a Contribution?

A “contribution” is a monetary or nonmonetary payment made to or at the behest of a candidate or committee for which the committee has not provided full and adequate consideration in return. A contribution may take any of the following forms:

- Money (cash, check, credit card, wire transfers);
- Loans (including loan guarantees, co-signing, lines of credit, and the forgiveness of a loan);
- Enforceable promises;
- Tickets to political fundraisers (full value of the ticket); and

- Nonmonetary items (donated goods or services).



If contributions totaling \$1,000 or more are received in a calendar year for the purpose of making contributions or independent expenditures in connection with California candidates or ballot measures, refer to the FPPC campaign manuals for “primarily formed recipient committees” or “general purpose recipient committees.” When two or more individuals or entities make separate payments totaling \$1,000 or more for a single communication, they also may qualify as a recipient committee.

Multi-Purpose Organizations (Including Nonprofit Organizations, and Federal and Out-of-State Political Action Committees)

Some organizations that receive donations or other payments (e.g., membership dues) for purposes other than making political expenditures in California nevertheless do, at times, make political expenditures to support or oppose California state or local candidates or ballot measures. These organizations may be subject to filing campaign statements in California.

A multi-purpose organization is receiving “contributions” if its members or donors make payments to the organization (including dues) and, at the time of making the payments, the donors know or have reason to know that the funds with which their payments will be commingled will be used to make contributions or expenditures to support or oppose California state or local candidates or ballot measures.

There is a presumption that the donors do **not** have reason to know that all or part of their payments made to the multi-purpose organization will be used for political activities in California **unless** the organization has made expenditures or

contributions totaling at least \$1,000 during the current calendar year or any of the immediately preceding four calendar years.

A multi-purpose organization may become an independent expenditure committee if it makes one independent expenditure of \$1,000 or more to influence a state or local election and the organization has not made expenditures or contributions totaling at least \$1,000 in the current and past four years.

If the multi-purpose organization makes another independent expenditure of \$1,000 or more (except as noted below) the organization will be required to file as a recipient committee.

501(c)(4) Organizations

On December 13, 2007, the Fair Political Practices Commission adopted an emergency regulation that provides a reporting option for certain or eligible multi-purpose organizations operating under Section 501(c)(4) of the Internal Revenue Code. The regulation specifies that a multi-purpose organization may elect not to file statements as a recipient committee if the organization makes independent expenditures from general treasury funds in connection with a ballot measure(s) in California and the total amount of independent expenditures spent is below the stated amount in the regulation. The organization must report these independent expenditures and the donors of funds used to make the independent expenditures on Form 496. Regulation 18413 is available on the FPPC’s website. A permanent regulation is scheduled for consideration in March 2008.

Affiliated and Non-Affiliated Committees

There are certain situations when payments made by two or more persons are aggregated and the persons are treated as a single committee for reporting purposes.

Under the Act, the term “person” includes an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, committee, and association.

Affiliated individuals and entities will qualify as a single committee, if, together, their independent expenditures total \$1,000 or more, in a calendar year.

The following payments are aggregated:

- Contributions or independent expenditures made from an individual’s personal funds and from funds he or she directs and controls.
- Contributions or independent expenditures made by two or more entities that are directed and controlled by a majority of the same persons.
- Contributions or independent expenditures made by entities that are majority owned by any person. Contributions and independent expenditures made by the majority owner and all other entities majority owned by that person are aggregated unless the entities act independently in their decisions to make contributions or independent expenditures.

The following are basic examples to provide general guidance. Every case is unique and we encourage you to contact us for advice.

Examples *In May, Ellen Gomez attended a fundraiser for a candidate and used her personal funds to pay for the \$500 ticket. In June, she made a \$3,000 independent expenditure from her wholly owned business to oppose a ballot measure and qualified as an independent expenditure committee. Because Ms. Gomez directed and controlled all of the payments, she and her business qualify as a single committee and must disclose her personal contributions as well as the independent expenditures made from her business.*

Pace Computers contributed a total of \$9,000 to support various legislative candidates. Under the direction of Pace Computers, Global Software, Inc., a company in which Pace Computers has a greater than 50 percent ownership interest, made an independent expenditure of \$7,000 to support a local candidate. Because Global Software, Inc. did not act independently, the companies qualify as a single committee and will file a single Form 461 listing both contributions and independent expenditures.

Southwest Telecom has a greater than 50 percent ownership interest in American Telecom. Each entity, entirely on its own and with separate decisionmaking bodies, made independent expenditures of \$1,000 or more. Southwest Telecom made an independent expenditure in connection with a state ballot measure, while American Telecom made independent expenditures in connection with a local ballot measure. Because Southwest Telecom and American Telecom acted completely independently in their decisions, a Form 461 would be filed separately by each company listing only that company’s expenditures.

Identification Requirements

Mailings – Sender Identification

When an independent expenditure committee pays for a mailing of 200 or more similar pieces in a calendar month (“mass mailing”), it is subject to identification requirements. All mass mailings must identify the name of the independent expenditure committee and its street address, city, state, and zip code must be printed on the outside of each piece. The type must be at least 6-point and in a color or print that contrasts with the background so that it is easily read.



Identify the legal name of the entity or individual who is paying for a mass mailing or other advertisement. For

example, if ABC Development Company qualifies as an independent expenditure committee and pays for a mass mailing or other advertisement, ABC Development Company is the name that must be identified.

Broadcasts and Mass Mailings

Independent expenditures that are broadcasts or mass mailings and which support or oppose either candidates or ballot measures, must identify the committee making the independent expenditure. A broadcast includes radio and television ads but not billboards and yard signs.

The name of the independent expenditure committee must be presented in a clear and conspicuous manner to give the reader or listener adequate notice of the identity of the committee. Broadcast information also must be appropriately conveyed to the hearing impaired.

The required disclosure information must be:

Video: both displayed in writing and spoken either at the beginning or at the end of the communication. The written statement must be legible to the average viewer and be displayed for not less than four seconds. However, if the disclosure statement is displayed for at least five seconds of a broadcast of 30 seconds or less, or 10 seconds of a 60 second broadcast, a spoken disclosure statement is not required.

Audio: spoken in a clearly audible manner at the beginning or end of the communication and must be at least three seconds in duration.

Mass Mailings: printed clearly and legibly in no less than 10-point type and in a contrasting color to the background on which it appears. If a single print media advertisement consists of multiple pages, folds, or faces, the disclosure requirement applies only to one page, fold, or face.

(Sender identification on the outside of the mailing is also required as reviewed earlier.)

Spokespersons: When an independent expenditure committee makes an expenditure of \$5,000 or more to an individual for his or her appearance in an advertisement to support or oppose a ballot measure, the advertisement must include a statement that the individual is being paid for his or her appearance. The statement must be in highly visible roman font, shown continuously if the advertisement consists of printed or televised materials, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephone message.

In addition, the committee must file the Paid Spokesperson Report, Form 511, as described in Chapter 2.

Valuing Mailings

Multiple candidates/measures: If a mass mailing supports or opposes more than one candidate or measure, the value attributable to each may be calculated by prorating the costs based on the amount of space allotted to each candidate or measure supported or opposed in the mailing.

Political and non-political material: The cost of a mailing containing both express advocacy supporting or opposing a ballot measure or candidate as well as non-political material may be prorated. Costs directly associated with the political message are reportable, including staff time of more than 10 percent in a calendar month.

Communications Identifying State Candidates (No Express Advocacy)

An independent expenditure committee that makes a payment or promise of payment totaling \$50,000 or more for a communication that 1) clearly identifies a state candidate; but 2) does not expressly

advocate the election or defeat of the candidate; and 3) is disseminated, broadcast, or otherwise published within 45 days of the candidate's election, is required to file Form E-530. (See Chapter 2.)

Member Communications

Payments made by an entity (including a business entity) for a communication that supports or opposes a candidate or ballot measure are not contributions or independent expenditures as long as the communication is sent only to the organization's members, employees, shareholders, or their families. The payments may not be for general public advertising, such as billboards, newspaper, radio or television ads.

Example *A corporation sends a mailing supporting a ballot measure to the corporation's shareholders. The mailing is not a contribution to the ballot measure committee whose position is supported or an independent expenditure. The mailing does not trigger disclosure reports.*

Payments for Governmental, Legislative, or Charitable Purposes

Payments made in connection with a governmental, legislative, or charitable event, such as a job or health fair, a charity fundraiser, or a conference on educational issues, that are coordinated or requested by an elected official from a source other than the official's agency, such as a business, are generally not considered gifts or contributions to the elected official who is co-sponsoring the event. However, the official may be required to disclose the payments if they total \$5,000 or more.

Example *At Councilmember Stark's request, Diamond Dairy made a \$10,000 donation to the Boy's and Girl's Club. Councilmember Stark will file a report with the city clerk disclosing the donation and*

donor's name and address. Diamond Dairy is not required to report the payment.

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

82013	<i>Committee.</i>
82015	<i>Contribution.</i>
82031	<i>Independent Expenditure.</i>
82041.5	<i>Mass Mailing.</i>
84305	<i>Requirements for Mass Mailing.</i>
84501	<i>Advertisement.</i>
84506	<i>Independent Expenditures; Advertisements.</i>
84511	<i>Ballot Measure Ads; Paid Spokesperson Disclosure.</i>
85310	<i>Communications Identifying State Candidates.</i>
85312	<i>Communications to Members of an Organization.</i>

Title 2 Regulations

18215	<i>Contribution.</i>
18225	<i>Expenditure.</i>
18225.4	<i>Independent Expenditures; When Aggregated.</i>
18435	<i>Definition of Mass Mailing and Sender.</i>
18450.1	<i>Definitions. Advertisement Disclosure.</i>
18450.4	<i>Contents of Disclosure Statements. Advertisement Disclosure.</i>
18450.11	<i>Spokesperson Disclosure.</i>
18531.7	<i>Payments for Communications—Section 85312.</i>
18531.10	<i>Communications Identifying State Candidates.</i>
18550.1	<i>Independent and Coordinated Expenditures.</i>

Chapter 2

Reporting Requirements

This chapter reviews when and where campaign statements (Form 461, Form 465 and Form 496) must be filed, as well as provides instructions and samples of campaign forms. Each independent expenditure committee must file the Form 461 (Major Donor and Independent Expenditure Committee Campaign Statement). An independent expenditure of \$1,000 or more to support or oppose a single candidate or measure will also require the filing of Form 465 and possibly the Form 496. The chapter concludes with reports that may be required depending on the committee's activity.

Filing deadlines cannot be extended. For statements that are mailed, the date of the postmark is considered the date filed. Failure to file on time may lead to late filing penalties of \$10 for each day the statement is late. Failure to file a statement may result in additional penalties.

Form 461 — Major Donor and Independent Expenditure Committee Campaign Statement

The Form 461 is used to report independent expenditures made to support or oppose California state and local candidates, officeholders, and ballot measures. If a committee makes contributions to state or local candidates or committees, they must also be disclosed. The report provides the public with information regarding the nature and interests of the person making the payments. Independent expenditure committees terminate automatically at the end of each calendar year. On January 1 of every year, the slate is wiped clean.

Independent expenditure committees are required to file Form 461 at specified times. The filing dates are determined by the

jurisdiction in which the committee's activity takes place and the date of the election:

- State committees make independent expenditures and contributions to support or oppose state candidates or state measures, or any number of candidates or measures being voted on in more than one county.
- County committees make independent expenditures and contributions to support or oppose candidates or measures being voted on in a single county election or any number of jurisdictions wholly within a single county.
- City committees make independent expenditures and contributions to support or oppose candidates or measures being voted on in a single city.

When to File Form 461

Semi-Annual Statements: All Committees

January 1 – June 30: Due July 31

If an entity qualifies as a committee during the first six months of the year, the Form 461 is due no later than July 31, covering the period January 1 through June 30. If no additional independent expenditures or contributions are made during the second semi-annual period, July 1 through December 31, no other Form 461 is required during the calendar year.

July 1 – December 31: Due January 31


If an entity qualifies as a committee during the first six months of the year and any amount of contributions or independent expenditures are made after June 30, a Form 461 covering the period July 1 through December 31 is required. If an entity or individual qualifies as a committee during the second six months of the year, its Form 461

Chapter 2 — Reporting Requirements

will be due no later than January 31, covering the period January 1 through December 31 of the prior year.

Preelection Statements: City Committees

During a six-month period in which a city election is held, a city independent expenditure committee may be required to file two preelection statements. Preelection statements are required if the committee makes independent expenditures or contributions that total \$500 or more during the period covered by the statement. Contact the city filing officer for the election filing schedule.

 **Check the FPPC website for filing schedules. Most local election and all state election filing schedules are published there.**

Amendments

If, at any time, a committee determines that an error has occurred on a previous filing, an amendment is required. Check the amendment box on Form 461 and complete Part 1. Only the amended information, including Part 3, if applicable, must be disclosed. The verification must be completed.

Where to File

Form 461

State Committees

Secretary of State
Original & 1 Copy

Registrar/Los Angeles County
1 Copy

Department of Elections/San Francisco
1 Copy

County Committees

County Clerk
Original & 1 Copy

City Committees

City Clerk
Original & 1 Copy

State Filing Officers

Secretary of State


Political Reform Division
P.O. Box 1467
1500 11th Street, Room 495
Sacramento, CA 95814
Fax (916) 653-5045

Registrar-Recorder of Los Angeles County

Campaign Reporting Unit
12400 Imperial Highway
Norwalk, CA 90650-3134
Fax (562) 651-2548

Department of Elections, City and County of San Francisco

Room 48, City Hall
One Doctor Carlton Goodlett Place
San Francisco, CA 94102-4635
Fax (415) 554-7344

 **Although a committee may make contributions or independent expenditures in connection with local elections, anything more than a de minimus contribution to, or independent expenditure for, a state candidate, ballot measure, or other type of committee will result in state committee status.**

If an independent expenditure committee is initially required to file as a city or county committee and later during the calendar year it qualifies as another type of committee (for example, a city committee becomes a county or state committee), it must continue to file copies of its campaign statements in the original city or county and in the other locations it is required to file until the end of the calendar year.

Electronic Filing

State committees are required to file electronically with the Secretary of State if independent expenditures or contributions made total \$50,000 or more. The cumulative totals include expenditures a state committee makes regarding a local election.

Independent expenditure committees need not file electronically in any calendar year in which they have not reached the \$50,000 threshold. Committees filing electronically also must continue filing disclosure statements and reports in paper format. For information about electronic filing requirements, contact the Secretary of State's office at (916) 653-6224 or www.sos.ca.gov. Depending on when a committee qualifies, its first electronic report may be a late independent expenditure report, a supplemental independent expenditure report, or a semi-annual report.

Chapter 2 — Reporting Requirements

Form 461 Cover Page

Major Donor and Independent Expenditure Committee Campaign Statement (Government Code sections 84200-84216.5)		Type or print in ink.	MAJOR DONOR AND INDEPENDENT EXPENDITURE COMMITTEE STATEMENT CALIFORNIA FORM 461
Statement covers period from 1/1/XX through 6/30/XX	Date of election if applicable: (Month, Day, Year)	Date Stamp	Page 1 of 2 For Official Use Only
SEE INSTRUCTIONS ON REVERSE			
1. Name and Address of Filer NAME OF FILER New Ventures, Inc. RESIDENTIAL OR MAILING ADDRESS (NO. AND STREET) 345 Stone Way CITY STATE ZIP CODE Sacramento CA 95826 RESPONSIBLE OFFICER (If filer is other than an individual) Jeffrey Slone AREA CODE/DAYTIME PHONE 916.333.3333		3. Summary (Amounts may be rounded to whole dollars.) 1. Expenditures and contributions (including loans) of \$100 or more made this period. (Part 5.) \$ 30,000 2. Unitemized expenditures and contributions (including loans) under \$100 made this period. \$ 0 3. Total expenditures and contributions made this period. (Add Lines 1 + 2.) SUBTOTAL \$ 30,000 4. Total expenditures and contributions made from prior statement. (Enter amount from Line 5 of last statement filed. If this is the first statement for the calendar year, enter zero.) \$ 0 5. Total expenditures and contributions (including loans) made since January 1 of the current calendar year. (Add Lines 3 + 4.) TOTAL \$ 30,000	
2. Nature and Interests of Filer (Complete each applicable section.) <input type="checkbox"/> A FILER WHO IS AN INDIVIDUAL MUST LIST THE NAME, ADDRESS, AND BUSINESS INTERESTS OF EMPLOYER OR, IF SELF-EMPLOYED, THE NAME, ADDRESS, AND NATURE OF THE BUSINESS NAME OF EMPLOYER/BUSINESS BUSINESS INTERESTS ADDRESS OF EMPLOYER/BUSINESS <input checked="" type="checkbox"/> A FILER THAT IS A BUSINESS ENTITY MUST DESCRIBE THE BUSINESS ACTIVITY IN WHICH IT IS ENGAGED Developer <input type="checkbox"/> A FILER THAT IS AN ASSOCIATION MUST PROVIDE A SPECIFIC DESCRIPTION OF ITS INTERESTS <input type="checkbox"/> A FILER THAT IS NOT AN INDIVIDUAL, BUSINESS ENTITY, OR ASSOCIATION MUST DESCRIBE THE COMMON ECONOMIC INTEREST OF THE GROUP OR ENTITY		4. Verification I have used all reasonable diligence in preparing this statement. I have reviewed the statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 7/15/XX By [Signature Required] DATE SIGNATURE OF INDIVIDUAL DONOR OR RESPONSIBLE OFFICER IF OTHER THAN AN INDIVIDUAL	

How to Complete

Statement Period and Date of Election

If this is the first filing of the calendar year, the “from” date should be January 1. Otherwise, this date should be the day after the closing date of the most recently filed Form 461. The closing date of the statement depends on the type of statement being filed. Only city committees complete the “Date of Election” box when filing a preelection statement.

Part 1 – Filer Information

Enter the legal name of the individual or entity filing the statement. If the filer is commonly known to the public by another name, that name may be used. When a person directs and controls the making of contributions and independent expenditures of a related entity (e.g., a subsidiary or a majority shareholder of a corporation) that must be aggregated and reported on Form 461, list as the “Name of Filer” the name of the individual or entity that directs and

controls the making of the contributions and independent expenditures.

Example *Hector Flores is the sole owner of two separate businesses. Hector directed a \$7,000 contribution from one business to a local ballot measure committee in January and made a \$5,000 independent expenditure opposing a local candidate in February from the other business entity. Hector will file the Form 461 under the name “Hector Flores (including aggregated contributions and independent expenditures).” The Form 461 will identify each payment and the business entity associated with the payment.*

In addition:

- Indicate that the campaign statement includes the contributions and independent expenditures of other entities. For example, “ABC Corporation, including aggregated contributions/independent expenditures.”

- Identify any entities added to this report that were not included in a prior report filed for the current calendar year, as well as any entities included in a prior report for the current calendar year that are no longer required to aggregate under the name of filer.
- Identify both names if the “Name of Filer” listed on a previous report filed for the current calendar year is different than the name identified on this report. For example, “Tim Lewis, formerly Lewis Construction.”
- Enter the name of the responsible officer of an entity or organization filing the statement.

sign the verification on behalf of the entity or entities. However, a statement filed by an individual must be signed by the individual rather than the individual’s attorney or certified public accountant. The Form 461 is not considered filed if it is not signed.

The amendment box is checked if an amendment is being filed to a previously filed Form 461. A brief explanation of the change is required and the period covered by the statement being amended should be noted above in the “statement covers period” box.

Part 2 – Nature and Interests of Filer

The nature and interests of the filer must be clearly identified. The business activity, association interests, or economic interest must be defined in the appropriate category. When payments from different persons are reported, if there are different interests, an attachment must identify the various persons and respective interests.

Part 3 – Summary

The summary lists the totals of all expenditures and contributions (including loans) made during the period covered by the statement. Collectively, Lines 1-3 represent the expenditures and contributions made during the reporting period. Line 4 must be the same figure shown on Line 5 of the previously filed statement or zero if it is the first statement for the calendar year. Line 5 represents the total of all expenditures and contributions made since January 1 of the current calendar year.

Part 4 – Verification

An attorney, a certified public accountant, or a responsible officer of an entity or an entity filing jointly with any number of affiliates may

Chapter 2 — Reporting Requirements

Form 461

Major Donor and Independent Expenditure Committee Campaign Statement		Type or print in ink. Amounts may be rounded to whole dollars.		Statement covers period from 1/1/XX through 6/30/XX		MAJOR DONOR AND INDEPENDENT EXPENDITURE COMMITTEE STATEMENT CALIFORNIA FORM 461 Page 2 of 2	
SEE INSTRUCTIONS ON REVERSE							
NAME OF FILER New Ventures, Inc.							
5. Contributions (Including Loans, Forgiveness of Loans, and Loan Guarantees) and Expenditures Made (If more space is needed, use additional copies of this page for continuation sheets.)							
DATE	NAME, STREET ADDRESS, CITY, STATE AND ZIP CODE OF PAYEE (IF COMMITTEE, ALSO ENTER I.D. NUMBER)	TYPE OF PAYMENT	DESCRIPTION OF PAYMENT (IF OTHER THAN MONETARY CONTRIBUTION OR LOAN)	CANDIDATE AND OFFICE, MEASURE AND JURISDICTION, OR COMMITTEE	AMOUNT THIS PERIOD	CUMULATIVE AMOUNT RELATED TO THIS CANDIDATE, MEASURE, OR COMMITTEE	
5/15/XX	Sacramento Bee 2100 Q Street Sacramento, CA 95819	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	ad	Proposition 33, state <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	10,000	30,000	
	Media Services 10 I Street Folsom, CA 59811 Subvendors:	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input checked="" type="checkbox"/> Independent Expenditure	television and radio ads	Proposition 33, state <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	20,000	30,000	
6/1/XX	KCRA Television (\$9,000) 1150 9th Street, Modesto, CA 95350	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure		<input type="checkbox"/> Support <input type="checkbox"/> Oppose			
6/3/XX	KFBK Radio (\$5,000) 1400 Ethan Way, Sacramento, CA 95825	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure		<input type="checkbox"/> Support <input type="checkbox"/> Oppose			
5/20/XX	Frank Soto (\$6,000) 124 Salem Dr., Sacramento, CA 95816	<input type="checkbox"/> Monetary Contribution <input type="checkbox"/> Loan <input type="checkbox"/> Non-Monetary Contribution <input type="checkbox"/> Independent Expenditure		<input type="checkbox"/> Support <input type="checkbox"/> Oppose			
SUBTOTAL \$					30,000		

Part 5 – Contributions and Expenditures Made

- Disclose the dates of the contributions or independent expenditures made during the period. An independent expenditure is made on the date the communication is mailed, delivered, broadcast or otherwise disseminated to the public. A monetary contribution is made on the date it is mailed, delivered or otherwise transmitted to the candidate or committee. A nonmonetary contribution is made on the earlier of the following: the date expenditure is made for the goods or services; or the date the candidate, committee or an agent obtains possession or control of the goods or services.
- Each payment of \$100 or more must be itemized. The name, street address, city, state, and zip code of the payee must be included. Also include committee I.D. numbers if applicable. Do not use a post office box number.
- Check the box indicating what type of payment was made. If the payment was a nonmonetary contribution, provide a description of the payment.
- If a total of \$100 or more was contributed or expended during a calendar year to support or oppose a single candidate or ballot measure, the name of the candidate and the office sought or held, or the name and jurisdiction of the ballot measure must be disclosed. For each candidate or measure listed, indicate whether the payment was made to support or oppose the candidate or measure.
- The amount of contributions or independent expenditures made this period relative to each candidate, measure, or committee and the cumulative amount contributed or paid since January 1 of the current calendar year must be provided.

General Rules

- When contributions or expenditures from affiliated entities are itemized on one statement, each affiliated entity must be identified with its specific payment. In addition, the statement must identify the addition or deletion of any entity for which contributions and expenditures are aggregated together.
- If a payment was made to an agent or independent contractor who then made payments on behalf of the filer (subvendor payments), disclose payments made to the subvendor in addition to the payments made to the agent. Report the name and address of the agent, followed by the name and address of each subvendor paid \$500 or more. Amounts paid to the agent are disclosed in the “Amount this Period” column and the amounts paid to a subvendor(s) are reported in the “Description of Payment” column.
- If an employee spends more than 10 percent of his/her compensated time in any one month engaged in campaign activities that expressly advocate the support of or opposition to a candidate or measure (e.g., phone banks or precinct walking), the employer must report the payments. The names, addresses, and the specific salaries of the employees are not required to be disclosed.

If the committee makes contributions totaling \$10,000 or more in a calendar year, consult FPPC Campaign Disclosure Manual 5 for Major Donor Committees.

Supplemental Independent Expenditure Report (Form 465)

A Supplemental Independent Expenditure Report (Form 465) is filed when a committee makes an independent expenditure of \$1,000 or more to support or oppose a single candidate or a single measure. Form 465 must be filed in addition to any other campaign statements the committee is required to file (including semi-annual and preelection statements, and independent expenditures reported on Form 496). Independent expenditures disclosed on Form 465 also must be disclosed on the committee's campaign statements (Form 461). Form 465 is required only if \$1,000 or more is spent to support or oppose a single candidate or measure. If a communication lists more than one candidate or measure, the Form 465 is filed only if \$1,000 or more was expended on each candidate or measure featured. A separate Form 465 must be filed for each candidate or measure supported or opposed.

Example *Stonecreek Vineyards mails a flyer asking the voters to vote for three ballot measures. The flyer is not sent at the behest of the committees formed to support the measures. The total cost of the mailing, including postage, amounts to \$44,850. Because the amount attributable to each measure is \$1,000 or more, Stonecreek Vineyards must file a Form 465 for each measure.*

When to File

File Form 465 at the same time(s) the candidate or ballot measure committee being supported or opposed is required to file statements, including the semi-annual deadline following the election if independent expenditures are made after the end of the second preelection reporting period.

Example *The West Street Theatre made two independent expenditures, each \$5,000, to oppose a candidate for city council. The first independent expenditure was made during the first preelection reporting period; the second independent expenditure was made five days before the election. The Theatre must file a Form 465 on or before the deadline for the first preelection statement due in connection with the election and another Form 465 at the semi-annual filing deadline following the election. Note: A Form 496 must also be filed within 24 hours of the independent expenditure that was made five days before the election.*

Where to File

File Form 465 in the same location(s) that a committee primarily formed to support or oppose the candidate or ballot measure identified in the communication would file. This is so the voters in the affected jurisdiction have access to reports showing who has spent funds in an attempt to influence the voters there. A separate Form 465 must be filed for each candidate or ballot measure supported or opposed.

Independent Expenditure Committee Making Expenditure	Jurisdiction of Candidate or Measure Supported/Opposed	Location of Filing Form 465
State	Statewide	<ul style="list-style-type: none"> • Secretary of State • Los Angeles County • San Francisco City and County
	Senate or Assembly District	<ul style="list-style-type: none"> • Secretary of State • County with the largest number of registered voters in the legislative district
	County	<ul style="list-style-type: none"> • County in which the candidate or measure will appear on the ballot
	City	<ul style="list-style-type: none"> • City in which the candidate or measure will appear on the ballot
County	County	<ul style="list-style-type: none"> • County in which the candidate or measure will appear on the ballot
	City	<ul style="list-style-type: none"> • City in which the candidate or measure will appear on the ballot
City	City	<ul style="list-style-type: none"> • City in which the candidate or measure will appear on the ballot

File an original and one copy in the first filing location listed in the above chart for your type of committee and activity. If additional filing locations are listed, file one copy in each location. For example, an independent expenditure committee disclosing statewide activity will file an original and one copy of Form 465 with the Secretary of State, one copy with Los Angeles County, and one copy with the City and County of San Francisco.

Chapter 2 — Reporting Requirements

Form 465 Cover Page

Supplemental Independent Expenditure Report (Government Code Section 84203.5)		Type or print in ink. Amounts may be rounded to whole dollars.		Report covers period		Date Stamp		SUPPLEMENTAL INDEPENDENT EXPENDITURE	
SEE INSTRUCTIONS ON REVERSE		<input type="checkbox"/> Amendment (Explain Below)		from	3/18/XX	through	5/17/XX	CALIFORNIA FORM 465	
				Date of election if applicable: (Month, Day, Year)				Page 1 of 2	
								For Official Use Only	
1. Committee/Filer Information		I.D. NUMBER (If recipient committee)		Treasurer (If recipient committee)					
COMMITTEE/FILER'S NAME New Ventures, Inc.				NAME OF TREASURER					
STREET ADDRESS (NO P.O. BOX) 345 Stone Way				MAILING ADDRESS					
CITY Sacramento		STATE CA	ZIP CODE 95826	AREA CODE/PHONE 916.333.3333		CITY		STATE	ZIP CODE
OPTIONAL: FAX / E-MAIL ADDRESS						OPTIONAL: FAX / E-MAIL ADDRESS			
2. Name of Candidate or Measure Supported or Opposed				CHECK ONE					
NAME OF CANDIDATE				OFFICE SOUGHT OR HELD AND DISTRICT, IF APPLICABLE		SUPPORT		OPPOSE	
NAME OF BALLOT MEASURE Save Our Community, No Government Funding for Development				BALLOT NO./LETTER 33		JURISDICTION state		SUPPORT	
								OPPOSE X	
3. Independent Expenditures Made		Attach additional information on appropriately labeled continuation sheets.		CUMULATIVE TO DATE CALENDAR YEAR (JAN. 1 - DEC. 31)					
DATE	NAME AND ADDRESS OF PAYEE	DESCRIPTION OF EXPENDITURE		AMOUNT					
5/15/XX	Sacramento Bee 2100 Q Street Sacramento, CA 95819	newspaper ad		10,000		10,000			

How to Complete Form 465

Period Covered

The period covered by this report begins the day after the closing date of the most recent Form 465 filed related to the candidate or measure supported or opposed. If this is the first Form 465 filed for the current year for a particular candidate or measure, the period covered begins January 1. The closing date of the period covered is the closing date for the current campaign statement being filed for the candidate or measure. For example, if the independent expenditure was made during the first preelection period, the Form 465 would cover the period through the closing date for the first preelection statement filed by the candidate or measure identified in the communication.

Filer Information

Provide the committee's full name, street address, city, state, zip code, and telephone number.

Name of Candidate or Measure Supported or Opposed

Report the name of the candidate supported or opposed by the independent expenditure and the office the candidate is seeking, including the district number if applicable. Or, report the name of the ballot measure supported or opposed, including the ballot number or letter and the jurisdiction of the election. Indicate whether the independent expenditure supported or opposed the candidate or ballot measure.

Independent Expenditures Made

Provide the date, name, and address of the payee, along with a short description of the expenditure, its amount, and the cumulative amount expended to date on the candidate or measure supported or opposed.

Form 465

Supplemental Independent Expenditure Report		Type or print in ink. Amounts may be rounded to whole dollars.		SUPPLEMENTAL INDEPENDENT EXPENDITURE	
SEE INSTRUCTIONS ON REVERSE		Report covers period from <u>3/8/XX</u> through <u>5/17/XX</u>		<div style="display: inline-block; border: 1px solid black; padding: 2px;"> CALIFORNIA FORM 465 </div>	
NAME OF FILER New Ventures, Inc.				Page <u>2</u> of <u>2</u> I.D. NUMBER (If recipient com.)	
4. Summary					
1. Total independent expenditures of \$100 or more made this period. (Part 3.).....				\$	10,000
2. Total independent expenditures under \$100 made this period. (Not itemized.).....				\$	0
3. Total independent expenditures made this period (Add Lines 1 + 2.).....				TOTAL	\$ 10,000
5. Filing Officers Enter the name and address of each filing officer with whom the filer's most recent campaign statements (Form 450, 460 or 461) have been filed.					
1) NAME OF FILING OFFICER Secretary of State			5) NAME OF FILING OFFICER City and County of San Francisco, Department of Elections		
ADDRESS (NO. AND STREET) 1500 11th Street			ADDRESS (NO. AND STREET) One Dr. Carlton B. Goodlett Place		
CITY Sacramento	STATE CA	ZIP CODE 95817	CITY San Francisco	STATE CA	ZIP CODE 94102
2) NAME OF FILING OFFICER Registrar-Recorder of Los Angeles County			4) NAME OF FILING OFFICER		
ADDRESS (NO. AND STREET) 12400 Imperial Highway			ADDRESS (NO. AND STREET)		
CITY Norwalk	STATE CA	ZIP CODE 90650	CITY STATE ZIP CODE		
6. Verification					
I have used all reasonable diligence in preparing and reviewing this statement and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.					
Executed on <u>5/18/XX</u> DATE		By _____ [Signature Required] SIGNATURE OF FILER, TREASURER OR ASSISTANT TREASURER			

Summary

Complete the summary section by entering the total of all independent expenditures of \$100 or more made during the period for the candidate or ballot measure, the total of all independent expenditures of under \$100 made during the period, and the total for both.

Filing Officers

Enter the name and address of each filing officer with whom the committee files its regular preelection or semi-annual statements. The Form 465 is not considered filed if it is not signed.

Amendments

To amend a previously filed Form 465, file another Form 465 with the "Amendment" box checked and the corrected or missing information included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

496 Independent Expenditure Report

The independent expenditure reports discussed below must be filed in addition to any required preelection or semi-annual campaign statements. Independent expenditures also must be disclosed on the committee's next campaign statement (Form 461), and on the Supplemental Independent Expenditure Report (Form 465). The rules are different for state electronic filers making independent expenditures in connection with a state candidate or ballot measure as discussed below.

Committees Required to File Electronically with Secretary of State

Election Cycle Report: When an independent expenditure committee that must file reports electronically with the Secretary of State makes an independent expenditure of \$1,000 or more to support or oppose a single state candidate or a single state ballot measure during the 90 days before the candidate's or measure's election, the committee must file Form 496 electronically with the Secretary of State within 24 hours of making the expenditure. Independent expenditures electronically disclosed within 24 hours during the 90-day election cycle are not required to be disclosed as "late independent expenditures" as discussed below. These reports are not filed on paper or with any other filing official besides the Secretary of State.

(Example) *A corporation is required to file its campaign statements electronically with the Secretary of State. On May 1 of an even-numbered year, less than 90 days before the state primary election, the corporation takes out a newspaper ad for \$12,500 opposing a candidate for Insurance Commissioner. The candidate will appear on the June primary ballot. The corporation is required to file the Form 496 electronically*

with the Secretary of State within 24 hours of making the expenditure (no Saturday, Sunday, or state holiday extension applies). This report is not required to be filed with the City and County of San Francisco or Los Angeles County nor is it required to be filed on paper.

If an independent expenditure is made in connection with a local candidate or measure within 16 days of the election, the committee must file a late independent expenditure report as discussed below.

Late Independent Expenditures

16-Day Independent Expenditure Report:

Form 496 must be filed if an independent expenditure committee makes independent expenditures totaling \$1,000 or more to support or oppose a single candidate or a single ballot measure during the 16 days prior to the candidate's or measure's election. A separate report must be filed for each candidate or measure supported or opposed.

When to File

The report must be filed within 24 hours of making a late independent expenditure. An independent expenditure has been made when a communication is mailed, broadcast or otherwise disseminated to the public.

Where to File

File the report in the same location(s) that a committee primarily formed to support or oppose the candidate or measure identified in the communication would file. (See chart on page 2-9.) This allows the voters in the jurisdiction where the election is taking place to have access to reports showing who has spent funds attempting to influence them. File a separate report for each candidate or ballot measure supported or opposed by fax, guaranteed overnight delivery, or personal delivery. **Regular mail may not be used.**

Example *An individual living in Sacramento County makes a late independent expenditure to support a Yolo County ballot measure. He will file the Form 496 with the clerk of Yolo County, where the measure is being voted on. If the same individual makes a late independent expenditure to support a city candidate in Elk Grove, he will file a Form 496 with the city clerk of Elk Grove.*

Chapter 2 — Reporting Requirements

Form 496

496 Independent Expenditure Report				Type or print in ink. Amounts may be rounded to whole dollars.		496 INDEPENDENT EXPENDITURE REPORT	
NAME OF FILER New Ventures, Inc.			Date of This Filing 6/1/XX	Date Stamp	CALIFORNIA FORM 496 For Official Use Only		
AREA CODE/PHONE NUMBER 916.333.3333		I.D. NUMBER (if applicable)	Report No. 1				
STREET ADDRESS 345 Stone Way			<input type="checkbox"/> Amendment to Report No. (explain below)				
CITY Sacramento	STATE CA	ZIP CODE 95826	No. of Pages 1				
1. List Only One Candidate or Ballot Measure							
NAME OF CANDIDATE SUPPORTED OR OPPOSED			NAME OF BALLOT MEASURE SUPPORTED OR OPPOSED Save Our Community, No Government Funding for Development				
OFFICE SOUGHT OR HELD	DISTRICT NO.	SUPPORT	OPPOSE	BALLOT NO./LETTER 33	JURISDICTION state	SUPPORT	OPPOSE X
2. Independent Expenditures Made Attach additional information on appropriately labeled continuation sheets.							
DATE	DESCRIPTION OF EXPENDITURE					AMOUNT	
6/1/XX	Television ad					\$9,000	

How to Complete Form 496

Filer Information

Enter the committee's name, street address, city, state, and zip code.

Date of This Filing

Indicate the date of filing the report.

Report Number

Assign a unique number to each late independent expenditure report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.

Number of Pages

Note the number of pages included in the report.

Name of Candidate/Ballot Measure Supported or Opposed

Part 1. Disclose the name, office sought or held, and the district number, if applicable, of the candidate supported or opposed in the communication, or the name, ballot number or letter, and jurisdiction of the ballot measure supported or opposed. Check the box indicating whether the candidate or

ballot measure was supported or opposed by the independent expenditure.

Independent Expenditures Made

Part 2. Disclose the date the committee made the expenditure, a description of the expenditure, e.g., printing, postage, mail house, etc., and the amount of the expenditure.

Amendments

To amend a previously filed 496 Independent Expenditure Report, file a new Form 496 with the corrected information and the "Amendment" box checked. Or, disclose the required information on a piece of paper identified as an amendment. The "Report Number" of the report being amended should be included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Additional Reports

In addition to the Forms 461, 465, and 496, other reports may be required depending on a committee's activity, including:

- 497 Contribution Report (Form 497)
- Paid Spokesperson Report (Form 511)
- Special Odd-Year Report (Form 461)
- Report of Communications Identifying State Candidates (Form E-530)

It is important to review where each report must be filed as several of the filing locations may not be the same as the committee's regular filing locations. If the committee makes contributions totaling \$10,000 in a

calendar year, consult FPPC Campaign Disclosure Manual 5 for Major Donor Committees.

Electronic Filers

Except where noted, state committees that are required to file campaign statements electronically must file the reports reviewed in this chapter electronically as well as in paper format if the report is required to be filed with the Secretary of State.

If Your Committee	File
Makes contributions totaling \$1,000 or more to a single candidate or primarily formed ballot measure committee during the 16 days before the candidate's or measure's election	Form 497
Makes contributions totaling \$1,000 or more to a political party (including central committees) during the 16 days before a state election	Form 497
Makes expenditures of \$5,000 or more for an individual to appear in a ballot measure advertisement	Form 511
Makes payments of \$50,000 or more to "feature" a state candidate 45 days before an election	Form E-530
Makes contribution(s) totaling \$10,000 to state officeholders during the first and third quarters of an odd-numbered year	Form 461

Late Contributions

16-Day Contribution Report: A Form 497 must be filed if, during the last 16 days before an election, a contribution of \$1,000 or more, or multiple contributions aggregating \$1,000 or more, is made to a single candidate or primarily formed ballot measure committee. A Form 497 must also be filed if a committee makes a contribution of \$1,000 or more to a political party (including central committees) during the 16 days before **any** state election.

When to File

A late contribution is made on the date the contribution is mailed, delivered, or otherwise transmitted to a candidate or committee. The Form 497 must be filed within 24 hours. The “next business day” rule for filing periodic reports does **not** apply to late reports.

Where to File

The Form 497 must be filed by fax, guaranteed overnight delivery service, or personal delivery at the same locations where the committee files its campaign statement Form 461. **Regular mail may not be used.**

When a committee that files electronically with the Secretary of State makes a late contribution totaling \$1,000 or more to support or oppose a single state candidate or a single state ballot measure during the 16 days before the election, it must also file Form 497 electronically with the Secretary of State within 24 hours of making the expenditure.

Form 497

497 Contribution Report				Type or print in ink. Amounts may be rounded to whole dollars.		497 CONTRIBUTION REPORT	
NAME OF FILER New Ventures, Inc.			Date of This Filing 11/1/XX	Date Stamp	CALIFORNIA FORM 497 For Official Use Only		
AREA CODE/PHONE NUMBER 916.333.3333	I.D. NUMBER (if applicable)		Report No. 1				
STREET ADDRESS 345 Stone Way			<input type="checkbox"/> Amendment to Report No. _____ (explain below)				
CITY Sacramento	STATE CA	ZIP CODE 95826	No. of Pages 1				
2. Contribution(s) Made							
DATE MADE	FULL NAME, STREET ADDRESS AND ZIP CODE OF RECIPIENT (IF COMMITTEE, ALSO ENTER I.D. NUMBER)		CANDIDATE AND OFFICE OR MEASURE AND JURISDICTION		AMOUNT OF CONTRIBUTION	DATE OF ELECTION (IF APPLICABLE)	
11/1/XX	Smith for Senate 10 I Street Sacramento, CA 95814 #1304521		Jack Smith, Senate District 2		\$2,000	\$2,000	

How to Complete Form 497

- Enter the committee's name, street address, city, state, and zip code.
- Indicate the date of filing this report.
- Assign a unique number to each late contribution report, such as 1, 2, 3, PR-1, PR-2, PR-3, etc.

For late contributions **made**, provide:

- The date made;
- The recipient's full name and address;
- Office sought or held (if to a candidate);
- Ballot measure number or letter and jurisdiction (if to a ballot measure committee);
- The date of the election, if a state committee is disclosing a late contribution to a local candidate; and
- The amount of the contribution. (Check the box if it was a loan.)

Amendments

To amend a previously filed Form 497, file a new Form 497 with the corrected information and the "Amendment" box checked. Or, disclose the required information on a piece of paper identified as an amendment. The "Report Number" of the report being amended should be included. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Chapter 2 — Reporting Requirements

Form 511

Paid Spokesperson Report			Date Stamp	CALIFORNIA FORM 511 For Official Use Only
Type or print in ink. Amounts may be rounded to whole dollars.				
NAME OF FILER New Ventures, Inc.		ID # (if required)		
AREA CODE/PHONE NUMBER 916.333.3333	E-MAIL (optional)		<input type="checkbox"/> Amendment (explain)	
STREET ADDRESS 345 Stone Way				
CITY Sacramento	STATE CA	ZIP CODE 95826		
Payments Made Attach additional information on appropriately labeled continuation sheets.				
DATE	NAME AND ADDRESS OF SPOKESPERSON	BALLOT MEASURE SUPPORTED OR OPPOSED (INCLUDE BALLOT NUMBER OR LETTER AND JURISDICTION)	AMOUNT	
5/20/XX	Frank Soto 124 Salem Drive Sacramento, CA 95816	Proposition 33 - state <input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose	6,000	
		<input type="checkbox"/> Support <input type="checkbox"/> Oppose		
Verification I have used all reasonable diligence in preparing this report. I have reviewed the report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.				
Executed on 5/27/XX DATE		By [Signature Required] SIGNATURE OF TREASURER/ASSISTANT TREASURER/FILER		

Paid Spokesperson Report (Form 511)

A Paid Spokesperson Report (Form 511) is filed by an independent expenditure committee that makes expenditures totaling \$5,000 or more for an individual's appearance in a printed, televised, or radio advertisement, or in a telephone message, to support or oppose the qualification, passage, or defeat of a state or local ballot measure. (The advertisement itself also must disclose that the individual is being paid to appear.)

Example A corporation pays \$30,000 for a public relations firm to produce a television advertisement supporting Measure B. A celebrity is paid \$5,000 or more to appear in the ad. The corporation must file the Form 511. In addition, the ad must state that the individual was paid to appear.

Form 511 must be filed in addition to any other statements the committee is

required to file. Payments made to spokespersons also must be reported on the committee's next campaign statement (Form 461).

When and Where to File

File Form 511 within 10 days of making or promising payments totaling \$5,000 or more to the individual that will appear in the advertisement(s). File Form 511 in the same location(s) the committee files its campaign statements.

How to Complete Form 511

Payments Made

In the first column, provide the date the payments were made or the services were received, whichever is earlier. In the second column, indicate the name and address of the individual who was paid \$5,000 or more to appear in the advertisement. In the third column, provide the name, number or letter, and jurisdiction of the ballot measure supported or opposed by the advertisement.

Finally, in the last column, indicate the total amount of the expenditure.

Verification

The Form 511 is not considered filed if it is not signed.

Amendments

To amend a previously filed Form 511, file another Form 511 with the corrected information. Check the “Amendment” box and give a brief description of the amendment. Like the original, the amendment must be signed and dated. There is no deadline for filing amendments. However, amendments should be filed as soon as practicable. File the amendment in the same location(s) as the original.

Communications Identifying State Candidates (Form E-530)

An independent expenditure committee that spends \$50,000 or more for a communication disseminated during the 45 days before an election that clearly identifies a state candidate appearing on the ballot, but does not expressly advocate the election or defeat of that candidate, must file electronically with the Secretary of State. File Form E-530 within 48 hours of making payments, or promising to make payments, totaling \$50,000 or more. The report must disclose the amount and date of the payment(s), and the name of and office sought by the candidate identified in the communication. A separate report must be filed for each state candidate identified in the communication.

Example *The Temple Company purchased billboard space up and down Interstate 5 stating, “Thank You, Governor Romez, for Supporting California’s Children.” The billboard space was rented for the 30 days prior to the Governor’s election. The total cost for design, printing, placement, and*

space rental was \$65,000 and was paid on October 6. By October 8, the company must file the Form E-530 electronically with the Secretary of State.

The report must be verified by a written “electronic filing declaration,” signed, dated, and verified on the same date that the report is transmitted to the Secretary of State. This declaration must be retained in the committee’s records for five years following the date that the campaign report to which it relates is filed. The statement must include the following language:

“I have used all reasonable diligence in preparing this report and to the best of my knowledge the information contained herein is true and complete. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”

How to File Form E-530

There is no paper version of the Form E-530. To access the online form, go to the Secretary of State’s website (www.sos.ca.gov) and click on “For Filers Only” under Campaign Finance. You must apply for a Filer ID and password using the form provided. Then, from the same location on the website, you can click on the E-530 link to access the form.

Authority

The following Government Code sections and Title 2 regulations provide authority for the preceding information in this chapter:

Government Code Sections

- 81004 *Reports and Statements; Perjury; Verification.*
- 81004.5 *Reports and Statements; Amendments.*
- 81007 *Mailing of Report or Statement.*
- 82015 *Contribution.*
- 82036 *Late Contribution.*

Chapter 2 — Reporting Requirements

- 82036.5 *Late Independent Expenditure.*
- 82044 *Payment.*
- 82046 *Period Covered.*
- 84200 *Semi-Annual Statements.*
- 84200.5 *Preelection Statements.*
- 84200.6 *Special Campaign Statements and Reports.*
- 84202.7 *Time for Filing by Committees of Odd-Numbered Year Reports.*
- 84203 *Late Contribution; Reports.*
- 84203.5 *Supplemental Independent Expenditure Report.*
- 84204 *Late Independent Expenditures; Reports.*
- 84211 *Contents of Campaign Statement.*
- 84215 *Campaign Reports and Statements; Where to File.*
- 84303 *Expenditure by Agent or Independent Contractor.*
- 84511 *Ballot Measure Ads; Paid Spokesperson Disclosure.*
- 84605 *Who Shall File Online.*
- 85310 *Communications Identifying State Candidates.*

Title 2 Regulations

- 18116 *Reports and Statements; Filing Dates.*
- 18215 *Contribution.*
- 18225 *Expenditure.*
- 18423 *Payments for Personal Services as Contributions and Expenditures.*
- 18428 *Reporting of Contributions and Independent Expenditures Required to be Aggregated.*
- 18431 *Reporting of Expenditures by an Agent or Independent Contractor.*
- 18450.11 *Spokesperson Disclosure.*
- 18531.10 *Communications Identifying State Candidates.*
- 18539.2 *Reporting Payments Pursuant to Government Code Section 85310.*
- 18550 *Online Disclosure of Independent Expenditures.*
- 18550.1 *Independent and Coordinated Expenditures.*

Appendix

About the Political Reform Act

How to Get Help

The Political Reform Act of 1974

The Political Reform Act (the “Act”) was a voter-approved initiative on the 1974 primary election ballot. One of the major provisions of the Act requires the disclosure of campaign contributions and expenditures during elections.

The Fair Political Practices Commission

The Fair Political Practices Commission is the independent, nonpartisan state agency authorized to implement, interpret, and enforce the provisions of the Political Reform Act. A full-time chair appointed by the Governor, and four part-time commissioners, one each appointed by the Controller, the Attorney General, the Secretary of State, and the Governor comprise the Commission. Each member serves a four-year term and no more than three members may be from the same political party. Commission staff is composed of four divisions: Administration, Enforcement, Legal, and Technical Assistance.

Governing Statutes

The Political Reform Act is contained in Government Code Sections 81000-91014.

Regulations

Regulations interpreting the Political Reform Act are located at Title 2, Division 6 of the California Code of Regulations, beginning at Section 18109.

Opinions and Advice Letters

The Commission periodically issues opinions interpreting provisions of the Political Reform

Act. The opinions are adopted at a public meeting, with opportunity for input from interested persons.

In addition, FPPC staff issues written advice letters as to the applicability of the Political Reform Act and regulations to a particular factual situation. See the FPPC publication “Requesting Advice From the FPPC” available on our website.

FPPC staff does not provide advice by e-mail.

Obtaining Information from the FPPC

Write, call, or visit the FPPC to get copies of specific advice letters or to be put on our mailing lists.

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660 – Toll-free (866) 275-3772

Website

The Commission’s website (www.fppc.ca.gov) contains a wealth of helpful information, including:

- The Political Reform Act and its corresponding regulations
- Commission opinions
- Notices of Commission meeting dates and agendas, supporting documentation for agenda items, and meeting summaries
- Forms required by the Act (also available at the FPPC’s offices, the Secretary of State’s Office, and many local clerks’ offices)

Appendix — About the Political Reform Act/How to Get Help

- Manuals, fact sheets, and useful summaries of the law

Additional Campaign Manuals

Additional copies of this manual, and manuals for other types of campaign committees are available from the Commission, the Secretary of State, and many city clerks or county registrars. Manuals are available for:

- State candidates and officeholders, and committees primarily formed to support/oppose candidates
- Local candidates and officeholders, and committees primarily formed to support/oppose candidates
- Ballot measure committees
- General purpose recipient committees
- Slate mailer organizations
- Major donor committees

Computer Generated Statements

Interactive campaign forms may be found at the Commission's website at www.fppc.ca.gov. Contact the Secretary of State at www.sos.ca.gov for information on state electronic filings.

In lieu of using official FPPC forms, committees may produce their own computer-generated form using FPPC's format. Contact the Commission for further information.

Obtaining Information Elsewhere

A subscription for regulations is available from:

Barclay's Law Publishing
P.O. Box 3066
South San Francisco, CA 94083
(800) 888-3600

Opinions and advice letters are available from these subscription services:

Westlaw (800) 328-9352
Database: "CA-ETH"
(Advice letters from 1986 to present)

Lexis-Nexis (800) 227-9597
Database: "CA Fair Political Practices Commission"
(Advice letters from 1990 to present)

Other Resources

The Secretary of State, city clerks, and county clerks or registrars of voters are the filing officers for campaign disclosure statements. Committee statements will be filed with the Secretary of State or a local clerk or registrar depending on whether the filer is a state candidate, a candidate running for local election, or a state or local committee.

Secretary of State

The Secretary of State is also responsible for issuing campaign committee identification numbers.

(916) 653-6224
(916) 653-5045
www.sos.ca.gov

Federal Election Commission

The Federal Election Commission answers questions regarding federal elections and contributions to all candidates from national banks, national corporations, and foreign nationals.

(800) 424-9530 (located in Washington, D.C.)
www.fec.gov

Franchise Tax Board

The Franchise Tax Board is responsible for responding to questions regarding tax status,

tax-deductibility of political contributions, 501(c)(3) groups, audits, or any tax-related questions.

(800) 852-5711 or (800) 338-0505
www.ftb.ca.gov

Internal Revenue Service

The Internal Revenue Service provides assistance regarding federal tax laws and obtaining a taxpayer identification number.

(877) 829-5500 (located in Washington, D.C.)
(800) 829-3676 (taxpayer ID number)
www.irs.gov

Federal Communications Commission

The Federal Communications Commission can answer questions regarding rates for purchasing broadcast time and equal access to broadcast media.

(888) 225-5322 or (202) 418-1440 (located in Washington, D.C.)
www.fcc.gov
email: fccinfo@fcc.gov

Local Ordinances

A city or county officeholder, candidate, or committee may be subject to additional reporting or other requirements. This is because cities and counties may enact ordinances that impose additional or different disclosure requirements. For example, there may be contribution limits, lower itemization thresholds, or an additional preelection statement, just to mention a few.

A city or county campaign ordinance may never preempt state law. Enforcement and interpretation of a local ordinance is the responsibility of the local jurisdiction. The Commission is not empowered to give advice concerning local ordinances.

Privacy Information Notice

Information requested on all FPPC forms is used by the FPPC to administer and enforce the Political Reform Act (Government Code Sections 81000-91014 and California Code of Regulations sections 18109-18997). All information required by these forms is mandated by the Political Reform Act. Failure to provide all of the information required by the Act is a violation subject to administrative, criminal, or civil prosecution. All reports and statements provided are public records open for public inspection and reproduction.

If you have any questions regarding this Privacy Notice, please contact the FPPC.

Technical Assistance Division
428 J Street, Suite 620
Sacramento, CA 95814
(916) 322-5660

Campaign statements are filed with the Secretary of State and city and county filing officers.

Enforcement

The Fair Political Practices Commission, the Attorney General, county district attorneys, and elected city attorneys of charter cities have enforcement authority under the Act.

Failure to provide all or any part of the information required by the Political Reform Act is a violation subject to:

- An administrative enforcement proceeding before the Fair Political Practices Commission;
- A criminal misdemeanor proceeding;
- A civil action; and
- Levying of late penalties by filing officers.

Penalties for not filing campaign statements may be imposed up to \$5,000 per violation.



State of California

**Fair Political
Practices Commission**

How To Contact Us:

By mail:

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Internet:

www.fppc.ca.gov

By telephone:

Toll-free advice line:

1-866-ASK-FPPC

(1-866-275-3772)

Regular line: 1-916-322-5660

Enforcement hot-line: 1-800-561-1861